

While the Examiner is correct in his position that the filing of a Terminal Disclaimer does not of itself prevent the application of a reference under 35 USC § 102(e)/103(a) for applications filed prior to November 29, 1999, (MPEP § 804) applicants find this rejection highly technical. They believe also, however that the differences between the presently claimed subject matter and that shown in the Zhu et al '136 and Zhu et al '296 references to be sufficiently different that this rejection should be withdrawn for the reason that clear differences do exist which applicants believe represent clear advances in the art.

Thus, it appears clear that neither Zhu et al reference recognizes the versatility of the use of unipolar or bipolar sensing between many different combinations of electrodes as does the present invention. These references further do not recognize the use of multiple independent blanking switches in the context of the present invention and, as the Examiner states, such have not been previously applied to modify a cardiac sensing system such as those disclosed by either Zhu et al patent.

Accordingly, the Examiner is requested to reconsider his position with respect to the commonly owned Zhu et al references and for the reasons above, withdraw the rejections under Items 4 and 5.

The Haefner et al '683 reference also fails to recognize the versatility and scope of the combination of sensing electrodes

that can be used in accordance with the various embodiments disclosed in the present invention. That reference clearly does not disclose and, it is submitted, would not lead one to propose any embodiments other than that singularly illustrated. Thus, while other claims are also believed patentable, the embodiments of claims 5, 7-10, 12-14, 16-18, 23, 25-28, 29-32 and 34-36, for example, are clearly outside of the scope of Haefner and demonstrate some of the numerous examples of combinations not taught by the reference.

In view of the above remarks, it is requested that the present paper be entered and the status of all the claims be reconsidered. It is requested that the rejections based on the two Zhu et al references be withdrawn and the allowability of the claims be reconsidered.

Respectfully submitted,

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